IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Crl.Rev.Pet.No. 2494 of 2007()

C.C.NO. 535 OF 1995 OF J.F.C.M. PAYYANNUR

REVN. PETITIONER: APPELLANTS/ACCUSED NO1 AND 2

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1. P.A.THOMAS, S/O ANTONY, AGED 40 YEARS,
   RUBBER WORKER, PANDIYAMPARAMBIL,
   PARIYARAM, I.T.C.COLONY, P.O.PARIYARAM,
   TALIPARAMBA TALUK, KANNUR DISTRICT.

2. P.M.JOSEPH, S/O LATE MATHAI,
   AGED 38 YEARS, AGRICULTURIST,
   PERIKKALATH HOUSE, KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. No. 2494 of 2007

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Dated, this the 2nd day of July 2007

ORDER

The revision petitioners who are accused Nos. 1 and 2 in C.C. No. 535 of 1995 on the file of the J.F.C.M., Payyannur challenge the conviction entered and the sentence passed against them for offences punishable under Sections 452 and 324 I.P.C. Each of the revision petitioners was sentenced to rigorous imprisonment for two years and to pay fine of Rs. 1,000/- and on default to pay the fine to undergo rigorous imprisonment for six months. The fine amount was directed to be paid to P.Ws 1 and 2 equally as compensation under Sec. 357 (1) Cr.P.C. It is the said conviction and sentence which are assailed in this revision. The trial Magistrate who had the advantage of seeing the witnesses and assessing their credibility had chosen to believe the prosecution evidence which was confirmed by the lower appellate court. Hence, I do not find any good ground to interfere with the conviction recorded against the revision petitioners. However, having regard to the facts and circumstances of the case, the sentence imposed on the revision petitioners need

modification. Interests of justice will adequately met by directing them to compensate the victim. Accordingly, for the conviction under Secs. 452 and 324 I.P.C. each of the revision petitioners shall undergo imprisonment till rising of court and shall also pay a fine amount of Rs. 5,000/- (Rupees five thousand only) each, for each of the offences. On default to pay the fine, each of the revision petitioners shall suffer simple imprisonment for six months. As and when the fine amount is realised, a sum of Rs. 3,000/- (Rupees three thousand only) each shall be paid to P.Ws 1 and 2 under Section 357 (1)Cr.P.C. The said compensation shall be payable within two months from today, failing which the sentence imposed on them by the courts below shall revive. The conviction entered against the revision petitioners is confirmed but the sentence is modified as above.

This Crl.R.P. is disposed of accordingly.

V. RAMKUMAR,
(JUDGE)

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